

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 330 of 1985

Date of decision: 5-9-98

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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UNITED INDIA FIRE AND GENERAL INSURANCE CO LTD

Versus

DIPAK @ NANU THROUGH MAGANBHAI KATARABHAI GAMIT  
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Appearance:

MR KF DALAL for Petitioner  
None present for respondents.  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 05/09/98

ORAL JUDGEMENT

Heard the learned counsel for the appellant.

Under the impugned award dated 31st May, 1984 the Motor Accidents Claims Tribunal (Main), Surat, passed in M.A.C. Petition No. 650 of 1982 awarded Rs. 9999/- with running interest at the rate of 6% per annum from the date of the claim petition till realization and costs to the claimant - respondent No. 1 for the injury he sustained in motor vehicular accident.

2. The only contention raised in this appeal by the learned counsel for the appellant is that the claimant on the fateful day was not possessing driving licence to drive motor cycle. The date of accident is 22-9-1982 and on that date claimant - respondent No. 1 was possessing licence for driving light motor vehicle. It is not in dispute that the claimant - respondent No. 1 has got licence for driving motor cycle also in the year 1983. Before the Tribunal also this very submission was made and the same has been rejected. If we go by the substance of the matter, I find that the claimant respondent No. 1 was having licence for driving light motor vehicle and therein there was no specific endorsement for driving motor cycle. But he had licence for driving light motor vehicle. So it cannot be said that he was not having driving licence. The only contention raised is that he was not having licence to drive motor cycle. I do not go into this dispute and decide this issue in this appeal. Looking to the quantum of the amount awarded, which is small and meagre amount, ordinarily in such matters this court sitting in appeal may not interfere and more so where the Parliament has amended the Motor Vehicles Act and incorporated therein the benevolent provision of awarding compensation on the basis of no fault liability.

3. In the result this appeal fails and the same is dismissed. However, it is made clear that this appeal is dismissed only on the ground of small and meagre amount involved therein and not on merits, and this judgment may not be taken to be a decision of this court confirming the judgment of the Motor Accident Claims Tribunal (Main) Surat, on merits in other cases.

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